



## UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 13 2004

# 9  
DW

COMMISSIONER, FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MAILED

Maria S. Swiatek  
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Four Embarcadero Center, Suite 3400  
San Francisco, CA 94111-4187

MAY 13 2004

OFFICE OF THE DIRECTOR  
TC 3800

In re Application of :  
Richard N. Savage, et al.  
Application No. 09/767,659 :  
Filed: January 22, 2001 :  
For: SEMICONDUCTOR WAFER PROCESSING  
SYSTEM WITH VERTICALLY STACKED  
PROCESS CHAMBERS AND SINGLE  
AXIS DUAL WAFER TRANSFER  
SYSTEM

DECISION ON PETITION  
TO WITHDRAW THE  
HOLDING OF ABANDONMENT

This is in reply applicants' Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 filed in the United States Patent and Trademark Office on October 6, 2003.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a proper response to the Office action dated December 31, 2002 and a Notice to that effect was mailed on September 4, 2003.

Petitioner states that a Request for Continued Examination (RCE) and an extension of time were filed as a response to the above noted Office action on April 29, 2003 and deposited with the U.S. Postal Service on that date. The copy of the response submitted with the petition includes a Certificate of Mailing dated April 29, 2003 and an OIPE stamped post card receipt dated May 6, 2003.

Because the date shown on the post card receipt (May 6, 2003) is after the period for response set in the Office action plus the extension of time this decision will be based upon the Certificate of Mailing.

Any petition to withdraw the holding of abandonment based upon a Certificate of Mailing must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Mailing which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Mailing (see 37 CFR 1.8 and MPEP 512).

While meeting requirement (1) above the petition fails, under requirement (2), to also include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the original

response on the date indicated on the certificate. This statement should be signed by the person who signed the certificate.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."

  
Randolph A. Reese  
Randolph A. Reese  
Special Programs Examiner  
Patent Technology Center 3600  
(703) 308-2121

RAR/cps: 5/12/04